

REMARKS:

CLAIM AMENDMENTS

To expedite prosecution the Applicants have canceled claims **2-6, 11-18, 24-26** and amended claims **7, 8, 9, 19, 21** and **23** to put them in independent form. The Applicants submit that these amendments are being made to expedite prosecution and not for any reason related to patentability. The Applicants reserve the right to pursue the subject matter of these claims in a later filed continuation application.

CLAIM OBJECTIONS

The Examiner has objected to claims **2** and **11** for informalities. The Applicants submit that these objections are moot in view of the cancellation of claims **2** and **11**.

CLAIM REJECTIONS

Claims **2-5** and **11** were rejected under 35 U.S.C. 102(b) as being anticipated by Eyre and Pister Micromechanical Resonant Sensor or Standard CMOS, Transducers 97, 1997 Int. Conf. Solid-State Sensors and Actuators, Chicago, Jun. 16-19, 1997, hereinafter "Eyre".
Claims **2-6, 11-18** and **20** were rejected under 35 USC 102(e) as being anticipated by U.S. Patent 6,388,789 to Bernstein (hereinafter Bernstein). Claims **2-5, 11-13, 17-18** and **20** were rejected under 35 USC 102(e) as being anticipated by US Patent 6,188,504 to Murakami et al. (hereinafter Murakami). In addition, claims **24-26** were rejected under 35 USC 103(a) as being unpatentable over combinations of Eyre, Bernstein or Murakami in further view of US Patent 6,633,693 to Peale et al. The Applicants submit that all of the rejected claims have been cancelled and therefore all of the rejections are moot.

ALLOWABLE SUBJECT MATTER

The Examiner has indicated that claims **7-10, 19**, and **21-23** would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. To expedite prosecution, the Applicants have amended claims **7, 8, 9, 19, 21** and **23** to adopt the Examiner's suggestions. As such, the Applicants submit that claims **7-10, 19**, and **21-23** are allowable for the reasons cited by the Examiner.

CONCLUSION

For the reasons set forth above, the Applicants submit that all claims are allowable over the cited art and define an invention suitable for patent protection. The Applicants therefore respectfully request that the Examiner enter the amendment, reconsider the application, and issue a Notice of Allowance in the next office action.

Respectfully submitted,

Joshua D. Derby

10 Joshua D. Isenberg
Reg. No. 41,088
Patent Attorney

Date: 10/12/2004

15 JDI PATENT
204 Castro Lane
Fremont, CA 94539
tel.: (510) 896-8328
fax.: (510) 360-9656